

REMARKS

Reconsideration and withdrawal of the Examiner's rejections under 35 USC § 103(a) is requested in view of the following remarks.

Election/Restrictions

Applicants acknowledge that claims 13-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, and respectfully request rejoinder of the withdrawn claims under MPEP § 821.04 after the product claims are allowed.

Specification

The Examiner asserts that the title of the invention is not descriptive, that a new title is required that is clearly indicative of the invention to which the claims are directed, that as the method has been elected, the words - and apparatus - should be deleted from the title. Applicants respectfully request that this suggested amendment be postponed until a decision is made concerning rejoinder under MPEP § 821.04.

35 USC § 103

The Examiner has rejected claims 1, 2, 4, 5, 7-11 under 35 USC 103(a) as being unpatentable over Fischer, USP 4,041,119 in view of Zyngier et al., USP 5,703,025. The Examiner asserts that the cited primary reference substantially teaches the basic claimed process of molding soap bars having a variegated appearance, including the instant claimed distinct zones. (See col. 2, lines 1-30; col. 3, lines 8-45; col. 4, lines 5-15).

The Examiner further asserts that the cited primary reference does not set forth the feature of injecting into a mold via nozzle means but that the added secondary reference teaches as conventional the feature of molding cleansing bars, also soap bars, by preparing a soap mixture and transferring the mixture into molds to allow conditioning and solidification of the mixture and to form the soap into bars (see claim 1 and claim 7, col. 3, lines 5-45).

The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the extruded soap mass in soap molds as shown in the added reference, when performing the process set forth in the primary reference, as the use of mold forming allows conditioning and solidification of the mixture, while also giving a finished shape to the extruded mass into personal sized bars. The Examiner asserts that the following is relevant: With respect to claims 4-5, see twister assembly 16 USP 4,041,119 at col. 2, lines 20-45 and col. 3, lines 10-30. With respect to claims 2, 7-9, see col. 2, lines 5-10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further optimize the soap bar to include two different compositions for obtaining beneficial properties of both materials in one bar. With respect to claims 10-11, see col. 2, lines 5-25 of USP 4,041,119.

In response, applicants respectfully traverse these rejections.

The skilled person would not be motivated to combine the teachings of Zyngier et al. and Fischer for at least the reasons that the type of detergent bar produced by each of these documents is different, and that the method used to produce each bar is also different.

In more detail, Zyngier et al. teaches a method of producing a transparent homogenous bar by cast molding. Fischer on the other hand teaches the preparation of a marbelized bar by the method of extrusion and stamping. Therefore both the products produced and the methods of production are both different and incompatible.

In addition, neither of these references teaches neither the method nor the bar composition of the invention, namely, multi-zone bars produced by injection molding.

From the art being considered, including the art made of record but not relied on, it would seem that the skilled person would understand that there are generally two different methods for producing detergent bars. Cast molding techniques are typically used to produce high quality detergent bars the components of which are liquid at temperatures sufficiently low for the production of such bars to be commercially viable. Further, although cast molding can be used to produce bars with more than one zone, the patterns which may be obtained are generally very limited, and the well-known problem of shrinkage can often produce bars which are not of a quality acceptable to the user.

Extruded bars are more common, however it is difficult to produce bars which are not homogenous by virtue of the continual grinding and mixing of the substrate during production. This is borne out by the subject matter of Fischer, which discloses a step towards an extruded bar of more than one color. However, even this bar is only 'marbelized' and does not disclose a bar wherein there are two or more distinct zones.

An additional discussion of the above methods is provided in the instant specification on page 1, line 18 to page 6, line 15.

The injection molding technique of the invention however, facilitates the production of high quality, truly multizone bars with a throughput speed that makes the production of bars of this type commercially viable. Nothing in the cited art mentions or suggests such advantages. As a result, only a clear disclosure of a multi-zone bar produced by injection molding can render obvious the independent claims of this application. A simple disclosure of a multi-zone bar made by any other technique would not lead the skilled person directly and unambiguously to the subject matter of the invention, which is the process of injection molding of such bars.

In the absence of teaching of injection molding, there can certainly be no teaching of an injection moulding process in which the first composition is injected from a first nozzle and the second composition is injected via a second nozzle as claimed in claim 1.

The Joshi reference (i.e. USP 4,017,574), similar to Fischer, relates to marbelized extruded detergent bars. The brief mention of 'injecting' is merely as one way of mixing the colored component with the base component, and does not constitute teaching of injection molding in any way. Therefore, for the reasons outlined above Joshi also fails to teach the process of claim.

Specifically, there is no teaching of injection molding detergent compositions, and certainly no teaching of injection molding a detergent bar with a first distinct zone comprising a first component and a second distinct zone comprising a second component, and absolutely no teaching that the first component is injected through a first orifice, and the second component through a second orifice. Therefore Joshi, alone or in combination with either Fischer or Zyngier et al. above could not lead the skilled person to develop a process falling within the scope of claim 1, absent impermissible hindsight.

Turning to Schrenk et al., (i.e. USP 5,628,950) apart from the obvious deficiency that this document does not teach a process for the production of detergent bars, but the molding of thermoplastics materials, and as such would not be considered by the skilled person concerned with detergent bar manufacture, or be combined with any of the above documents.

Schrenk et al., teaches a method for producing multilayer thermoplastics articles. The layers are produced by sequential laying down of the plastic from different extruders prior to the injection moulding step (see for example figure 1). Therefore, this document does not teach the production of a process of manufacture (whether or not of

a detergent bar) in which a first and second component are injected into the mold. The process of Schrenk et al. discloses a process in which a single multilayer material is injected into a mold, and not where two or more single layer materials are injection molded. As a result there is also no teaching in this document of a process in which a first component is injected through a first orifice and a second component through a second orifice, taking this document even further away from the subject invention.

It is well settled that the Examiner cannot pick and choose among individual elements of assorted prior art references to re-create the claimed invention based on the hindsight of the applicants' invention. Rather, the Examiner has the burden to show some teaching or suggestion in the references to support their use in the particular claim combination. See Smith Klein Diagnostics Inc. v. Helena Laboratories Corp., 8 USPQ 2d 1468 (Fed.Cir. 1985). Additionally, the mere fact that it is possible to find isolated disclosures which might be combined in such a way as to produce a new system, does not necessarily render such a system obvious unless the art also contains something to suggest the desirability of the proposed combination, i.e. the motivation to combine the references. In re Grabiak, 226 USPQ 2d 870, 872 (Fed.Cir. 1985). Consequently, applicants respectfully submit that the rejection under 35 USC 103(a) is improper and should be withdrawn.

Allowable Subject Matter

Applicants kindly acknowledge that claims 3, 6, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

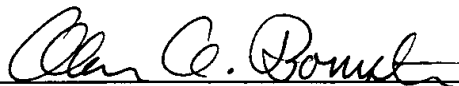
Other Art Cited But Not Relied On

Applicants have carefully reviewed the prior art made of record and not relied upon that the Examiner considered pertinent to applicant's disclosure (i.e. USPs 3,676,538; 3,883,605; 3,890,419; 3,899,566; 4,017,574; 4,094,946; 4,096,221; 4,162,288; 4,196,163; 4,222,979; 4,224,266; 4,304,745; 4,318,878; 4,504,433; 5,217,639; 5,316,712; 5,628,950; 5,786,311; 6,147,040). Applicants respectfully assert that none of these references alone or in combination, corrects the deficiencies of Fischer and Zyngier with respect to the instant claims as discussed above.

CONCLUSION

In light of the above remarks, applicants submit that all claims now pending in the present application are in condition for allowance. Reconsideration and allowance of the application is respectfully requested. If a telephone interview would facilitate prosecution of this application, the Examiner is invited to contact the undersigned.

Respectfully submitted,



Alan A. Bornstein
Registration No. 40,919
Attorney for Applicant(s)

AAB/dca
(201) 840-2680